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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,494	01/24/2002	Noam Livnat	2000.129000/TT5979	2284
23720 7590 08/23/2007 WILLIAMS, MORGAN & AMERSON 10333 RICHMOND, SUITE 1100 HOUSTON, TX 77042			EXAMINER GOLD, AVI M	
			ART UNIT 2157	PAPER NUMBER
			MAIL DATE 08/23/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/058,494	<b>Applicant(s)</b> LIVNAT ET AL.	
	<b>Examiner</b> Avi Gold	<b>Art Unit</b> 2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-7,9 and 10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7,9 and 10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This action is responsive to the amendment filed on June 12, 2007. Claims 1-7, 9, and 10 are pending.

#### ***Response to Amendment***

#### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7, 9, and 10 are rejected under 35 U.S.C. 102(e) as being unpatentable over Ishii, U.S. Patent No. 6,594,505, further in view of Farazmandnia et al., U.S. Patent No. 6,625,472.

Ishii teaches the invention substantially as claimed including a mobile telephone system capable of coping with a variety of mobile radio telephone systems by a single mobile radio telephone (see abstract).

Regarding claim 1, Ishii teaches a method for delivering a communication protocol to an electronic device, comprising:

a first electronic device having a first communication protocol to a second device having a plurality of communication protocols, the plurality of communication protocols

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including the first communication protocol and a second communication protocol (col. 2, lines 27-51, Ishii discloses mobile radio telephones with mobile base stations connected to one another with possible different communication protocols);

establishing communication between the first and second devices using the first communication protocol (col. 2, lines 39-42, Ishii discloses mobile radio telephone communication over a protocol);

transferring the second communication protocol from the second device to the first device (col. 2, lines 43-48, Ishii discloses downloading of a protocol software from one base station to the other);

installing the second communication protocol on the first device; and switching to the second communication protocol for further communication (col. 2, lines 43-51, Ishii discloses executed communication on the new protocol after the download is completed).

Ishii fails to teach the limitation further including the physically attaching the devices.

However, Farazmandnia teaches a system and method for connecting a cellular telephone to a personal computer system through a universal serial bus port (see abstract). Farazmandnia teaches the use of connecting a cellular telephone to a personal computing device (col. 1, line 58 – col. 2, line 4).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ishii in view of Farazmandnia to physically attach devices. One would be motivated to do so because it allows for a direct connection.

Regarding claim 2, Ishii teaches the method of claim 1 wherein the first and second communication protocol are software communication protocols (col. 2, lines 43-48).

Regarding claim 3, Ishii teaches the method of claim 1 wherein the first and second electronic devices are handheld devices (col. 2, lines 27-51).

Regarding claim 4, Ishii teaches the method of claim 1 wherein the established communication is point-to-point communication (col. 2, lines 27-51).

Regarding claim 5, Ishii teaches a method for exchanging data between electronic devices, comprising:

- a first electronic device having a first communication protocol to a second device having a plurality of communication protocols, the plurality of communication protocols including the first communication protocol and a second communication protocol;

- determining that the second communication protocol is not installed on the second device;

- based on this determination, selecting the first communication protocol from the plurality of communication protocols; and

- establishing communication between the first and second devices using the first communication protocol (col. 2, lines 27-51).

Ishii fails to teach the limitation further including the physically attaching the devices.

However, Farazmandnia teaches the use of connecting a cellular telephone to a personal computing device (col. 1, line 58 – col. 2, line 4).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ishii in view of Farazmandnia to physically attach devices. One would be motivated to do so because it allows for a direct connection.

Regarding claim 6, Ishii teaches the method of claim 5 further comprising:  
transferring the second communication protocol from the second device to the first device;  
installing the second communication protocol on the first device; and  
switching to the second communication protocol for further communication (col. 2, lines 27-51).

Regarding claim 7, Ishii teaches an apparatus for delivering data to a handheld electronic device, the apparatus comprising:

non-volatile storage for storing a plurality of communication protocols including a first communication protocol and a second communication protocol; and  
a processor configured to:  
establish communication with the handheld device using the first communication protocol; transfer the second communication protocol to the handheld device;

install the second communication protocol on the handheld device; and  
switch to the second communication protocol for further communication with the handheld device (col. 2, lines 27-51).

Ishii fails to teach the limitation further including an electrical connector physically coupling the apparatus to the handheld device and transferring and installing a protocol via the electrical connector.

However, Farazmandnia teaches the use of connecting a cellular telephone to a personal computing device (col. 1, line 58 – col. 2, line 4).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ishii in view of Farazmandnia to use an electrical connector to physically couple the apparatus to the handheld device and transferring and installing a protocol via the electrical connector. One would be motivated to do so because it allows for a direct connection.

Regarding claim 9, Ishii teaches the apparatus of claim 7 wherein the first and second communication protocol are software communication protocols (col. 2, lines 43-48).

Regarding claim 10, Ishii teaches the apparatus of claim 7 wherein the established communication is point-to-point communication (col. 2, lines 27-51).

***Response to Arguments***

3. Applicant's arguments filed June 12, 2007 have been fully considered but they are not persuasive.

4. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the knowledge is generally available to one of ordinary skill in the art.

5. In response to applicant's argument that Ishii and Farazmandnia both teach away from the claimed limitations, the examiner disagrees as Farazmandnia teaches a connection between a cellular telephone and a personal computer and the ability for the cellular telephone to communicate over an air interface. This teaches the ability to physically attach the devices in the claimed limitations. The applicant even admits that Farazmandnia teaches both of these elements and then states that Farazmandnia somehow teaches away from itself without any explanation as to how. Farazmandnia allows for a proper 103 rejection with Ishii as the combination does not teach away from the claimed limitations.



***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 6,141,690 to Weiman

U.S. Pat. No. 5,349,649 to Iijima

U.S. Pat. No. 6,738,815 to Willis, Jr. et al.

U.S. Pat. No. 6,098,138 to Martinelli et al.

U.S. Pat. No. 5,696,903 to Mahany

U.S. Pat. No. 5,287,541 to Davis et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Avi Gold whose telephone number is 571-272-4002.

The examiner can normally be reached on M-F 8:00-5:30 (1st Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Avi Gold

Patent Examiner

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